

CC: BOS - SELECTMEN'S BUSINESS 2/24.

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February __, 2003

Mr. Rob Travers
Manager of Government Affairs
Comcast (Formerly AT&T Broadband)
4 Lyberty Way
Westfield, Massachusetts 01886

Re: Performance Hearing – 2002 (December 16, 2002 and January 13, 2003)

Dear Mr. Travers:

This letter is being sent, as stated by this Board at the conclusion of the second day of the 2002 performance hearing, held on January 13, 2003, to memorialize the action items to be addressed by Comcast (formerly AT&T Broadband), with respect to its cable service in the Town of Acton. The Board appreciates Comcast's efforts, to date, to address the concerns of the Town, and its residents and subscribers, and looks forward to the company continuing to address these areas of concern. More specifically:

1. With respect to PEG Access/Local Origination facilities, equipment and support, the Board requests that Comcast improve compliance with the following provisions of the Renewal License and/or take the following actions:

- Comcast shall inform the public, as well as this Board and the Cable Advisory Committee, of the hours the studio is open and staffed. As you are aware, Section 6.2 (b) of the Renewal License provides minimum studio hours (40 hours) and studio staffing hours (35 hours), including some nights and weekends. The hours of operation should, in accordance with subparagraph (b) be cablecast on Channel 8. As a matter of good business practice and service, the hours of operation should also be available on the taped telephone message at the studio during those times that the telephone is not answered by the Access Coordinator. For now, the Board does not require that the hours of operation be published in the local newspaper, as also provided for in subparagraph (b). Additionally, in

accordance with Section 6.2(b), Comcast should accommodate requests for appointments, absent prior scheduling commitments. The availability of appointments should be included in the cablecast notice and the telephone tape.

- The full time (40 hours) Access Coordinator responsibilities includes providing outreach services to Acton residents, students, and public and private institutions, including senior citizen and youth organizations - a minimum of eighty (80) hours per year. (Section 6.2 (c)(ii).)
- The Access Coordinator shall, in addition to conducting regular training classes for Acton students, in coordination with the Acton-Boxborough Regional School and Acton Public Schools, shall also teach a minimum of six (6) sets of training classes per year for residents of the Town. The cablecasting and newspaper notice requirements for this training are set out in Section 6.2(e)(iv).
- As specifically expressed by the Board at the performance hearing, the "Production Technician" (required by Section 6.2 (g) of the Renewal License) should be one individual. The position of the Production Technician, as provided for in the Renewal License, based on the intentions of the contracting parties, and as accurately described at the performance hearing by John Covert of the Cable Advisory Committee and Mark Miniasian of Comcast (formerly with AT&T Broadband and Cablevision), provides technical and production assistance to the Access Coordinator and access users. As required by subparagraph (g), the Production Technician shall spend a minimum of forty (40) hours per month (as averaged over a three (3) month period) at the Acton studio. Please inform the Board, at your very earliest convenience, in writing, the name of the Production Technician assigned to Acton, as well as the proposed schedule. The Board recognizes that some of the Production Technician's hours may be based the needs of the studio and access users and, as such, some days and times may vary.
- As required by Section 6.2(g), "the Licensee shall maintain an accurate time sheet(s) of all hours worked by the Access Coordinator and the Production Technician at the Acton studio. A copy of that time sheet(s) shall be provided to the Issuing Authority or its designee at the end of every month." As discussed and agreed during the performance hearing, please provide the time sheet(s) to the Board at the end of each month. Summaries of hours worked, as provided to the Town a short time prior to this performance hearing are not "time sheets" and, as such, are not acceptable.
- With respect to the cablecasting of the meetings of the board of selectmen and the school committees, as well as the town meetings, the Board reiterate its recommendation, as stated at the hearing, that the company test whether the sound is properly modulated and functioning prior to the beginning of the subject

meeting. This might best be completed earlier in the day of the particular meeting, and would appear to be the type of work which the Production Technician might assist with, either at the Town Hall or the studio.

2. With respect to the Institutional Network ("I-Net"), it was indicated at the first day of the performance hearing that the video portion of the I-Net might well be done prior to the September 1, 2003 deadline. The completion of the video portion should, as discussed, significantly improve the picture and sound quality of Channel 8, and enable the Town to commence the government channel. What is the current anticipated date of completion for this work?

3. At the first day of the performance hearing, John Covert of the Cable Advisory Committee mentioned that the cable bill references a Hudson telephone number for customer service issues. Hudson exchanges are a toll call from Acton. Has that telephone number been changed to a toll free number on the subsequent bill? If not, will the change be made on the next bill?

4. Are customer service representatives accurately describing (and implementing) the senior discount, including the fact that all seniors 62 years of age and over are eligible for the senior discount, regardless of whether they are eligible for or receive another discount?

It is the Board's understanding that Cable Advisory Committee and Comcast are continuing to work on finding a simpler means for the company to verify age eligibility for Acton residents to receive the senior discount. We appreciate the company's effort in this regard.

5. As you are aware, the first day of the performance hearing dealt primarily with complaints regarding the marketing of digital cable service and converters. Some individuals, including members of the Board of Selectmen and the Cable Advisory Committee, indicated that they had been misinformed by cable company representatives/agents regarding the need for a digital converter box. Mr. Reilly and the company's marketing/customer service manager stated that the company had a "zero tolerance" policy with respect to the provision of misleading or misinformation. It was also confirmed that the representatives/agents work, in part, on a commission basis. What if any action has the company taken since the hearing to better protect residents and subscribers with respect to misinformation regarding digital service and equipment? What, if any, further actions will the company take?

Finally, the Board would like to thank Comcast, and in particular Ms. Graham, the Director of Government Affairs, for proceeding ahead with the construction work required to provide Ms. Wendy Sweet with cable service at 455 Central Street.

Thank you for your continued attention to these matters and for serving the residents of the Town of Acton. The Board looks forward to Comcast's written follow-up to the questions posed herein, and to any other information the company would like to provide.

Sincerely,

William H. Shupert III
Board of Selectmen

cc: Cable Advisory Committee
Special Cable Counsel